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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,153	03/05/2007	Masaki Hirose	450106-05224	9466
7590	08/06/2008		EXAMINER	
William S. Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			QUADER, FAZLUL	
			ART UNIT	PAPER NUMBER
			2164	
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			08/06/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,153	HIROSE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FAZLUL QUADER	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 April 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 8-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 8-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claims 8-13 are pending in this application.
2. Examiner acknowledges applicant's amendment on 04/25/2008.
3. Claims 8, 11-13 have been amended on 04/25/2008.
4. Claims 1-7 have been cancelled by the applicant.
6. Applicant's arguments filed 04/25/2008, with respect to claims 8-13 have been fully considered but they are not persuasive, for examiner's response see discussion below.

### *Claim Objections*

7. The numbering scheme for Claims 8, 11, 12 and 13 are being objected to. In the same claim (a), (b) appears more than once. Also, each of the above claims should have unique numbering scheme. Proper corrections are needed.
8. Claims 13, line 1 recites "A program", which might include steps that can be implemented within a person's mind which is not an acceptable limitation. Therefore, "A computer implemented program" would be more appropriate.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8-13 of the current application (effective filing date: Dec. 9, 2005) are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US 20020131764; filing date: Dec. 04, 2001), hereinafter “David” in view of Takagi et al. (US 20030085997; filing date: May 07, 2002), hereinafter “Takagi”.

11. Claims 1-7 have been cancelled by the applicant.

12. As to claim 8, David discloses, information process apparatus that manages data recorded on a record medium (abstract), comprising:

information obtainment means for obtaining reproduction information necessary to reproduce the data when the data are recorded, said reproduction information being setup information about resolution of the data and encoding of the data ([0003]; [0236]);

generation means for generating a first management file with which data that compose each clip that is a predetermined structural unit of data are managed ([0049]-[0050]), the first management file describing

(a) the reproduction information of data that compose the clip ([0091]; [0110]; [0115]) and

(b) an identifier that uniquely identifies data that compose the clip ([0110]);

registration means for registering management information of the clip composed of (a) the reproduction information of data that compose the clip ([0128]), (b) the unique identifier of data that compose the clip, and (c) information that represents the recorded position of data that compose the clip to a second management file with which clips recorded on the record medium are totally managed (abstract; [0011]-[0016]; [0056]; [[0303]) and

successive reproduction means for successively reproducing data that compose all the clips recorded on the record medium according to the first management file or the second management file, wherein when the record medium is loaded, the second management file is read from the record medium and stored to a memory and when a clip to be reproduced is designated, the first management file is read from the record medium and stored to the memory ([0057]-[0058]).

David, however, does not explicitly disclose, "registering management information";

Takagi, on the other hand, explicitly discloses, "registering management information" (abs. lines 9-12).

Both David and Takagi are of the same field of endeavor, they specifically teach program preparation and distribution system (David: [0039]; Takagi: abstract, lines 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Takagi into David of identifying, recording and reproducing information that would have allowed users of David to have a useful method, to have a sequence of operations from acquisition, formulation until editing, transmission and archiving. (Takagi: [0004]).

13. As to case 9, David as modified discloses, the information process apparatus as set forth in claim 8, wherein the registration means registers the management information of the clip to the last end of the second management file (David: [0110]-[0112]; [0115]; [124]; [0158]-[0163]).

14. As to claim 10, David as modified discloses, the information process apparatus as set forth in claim 8, further comprising: reproduction means for reproducing data that compose the clip according to the first management file or the second management file (David: [0003]).

15. As to claim 11, David discloses, an information process method of managing data recorded on a record medium (abstract), comprising the steps of:

obtaining reproduction information necessary to reproduce the data when the data are recorded; **said reproduction information being setup information about resolution of the data and encoding of the data ([0003]; [0236]);**

generating a first management file with which data that compose each clip that is a predetermined structural unit of data are managed ([0049]-[0050]), the first management file describing

(a) the reproduction information of data that compose the clip ([0091]; [0110]; [0115]) and

(b) an identifier that uniquely identifies data that compose the clip ([0110]);

registering management information of the clip composed of (a) the reproduction information of data that compose the clip, (b) the identifier of data that compose the clip, and (c) information that represents the recorded position of data that compose the clip to a second management file with which clips recorded on the record medium are totally managed ([0049]-[0050]; [0091]; [0110]; [0115])); and

successively reproducing data that compose all the clips recorded on the record medium according to the first management file or the second management file, wherein when the record medium is loaded, the second management file is read from the record medium and stored to a memory and when a clip to be reproduced is designated, the first management file is read from the record medium and stored to the memory ([0057]-[0058]; [0303]).

David, however, does not explicitly disclose, “registering management information”;

Takagi, on the other hand, discloses, “registering management information” (abs. lines 9-12).

Both David and Takagi are of the same field of endeavor, they specifically teach program preparation and distribution system (David: [0039]; Takagi: abstract, lines 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Takagi into David of identifying, recording and reproducing information, that would have allowed users of David to have a useful method, to have a sequence of operations from acquisition, formulation until editing, transmission and archiving. (Takagi: [0004]).

16. As to claim 12, David discloses, a program record medium on which a computer readable program is recorded, the program causing a computer to perform an information process that manages data recorded on a record medium (abstract), the program comprising the steps of:

obtaining reproduction information necessary to reproduce the data when the data are recorded, said reproduction information being setup information about resoulution of the data and encoding of the data ([0003]; [0236]);

generating a first management file with which data that compose each clip that is a predetermined structural unit of data are managed, the first management file describing

(a) the reproduction information of data that compose the clip ([0091]; [0110]; [0115]) and

(b) an identifier that uniquely identifies data that compose the clip ([0110]);

registering management information of the clip composed of (a) the reproduction information of data that compose the clip, (b) the unique identifier of data that compose the clip, and (c) information that represents a recorded position of data that compose the clip to a second management file with which clips recorded on the record medium are totally managed; and successively reproducing data that compose all the clips recorded on the record medium according to the first management file or the second management file wherein when the record medium is loaded, the second management file is read from the record medium and stored to a memory and when a clip to be reproduced is designated, the first management file is read from the record medium and stored to the memory (abstract; [0011]-[0016]; [0056]; [0303]).

David, however, does not explicitly disclose, “registering management information”;

Takagi, on the other hand, discloses, “registering management information” (abs. lines 9-12).

Both David and Takagi are of the same field of endeavor, they specifically teach program preparation and distribution system (David: [0039]; Takagi: abstract, lines 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Takagi into David of identifying, recording and reproducing information, that would have allowed users of David to have a useful method, to have a sequence of operations from acquisition, formulation until editing, transmission and archiving. (Takagi: [0004]).

17. As to claim 13, David discloses, a program that causes a computer to perform an information process that manages data recorded on a record medium (abstract), the program comprising the steps of:

obtaining reproduction information necessary to reproduce the data when the data are recorded said reproduction information being setup information about resoulution of the data and encoding of the data ([0003]; [0236]);

generating a first management file with which data that compose each clip that is a predetermined structural unit of data are managed ([0049]-[0050]), the first management file describing (a) the reproduction information of data that compose the clip and (b) an identifier that uniquely identifies data that compose the clip ([0110]);

registering management information of the clip composed of (a) the reproduction information of data that compose the clip, (b) the unique identifier of data that compose the clip ([0128]), and (c) information that represents the recorded position of data that compose the clip to a second management file with which clips recorded on the record medium are totally managed; and successively reproducing data that compose all the clips recorded on the record medium according to the first management file or the second management file wherein when the record medium is loaded, the second management file is read from the record medium and stored to a memory and when a clip to be reproduced is designated, the first management file is read from the record medium and stored to the memory ([0057]-[0058]; [0303]).

David, however, does not explicitly disclose, “registering management information”;

Takagi, on the other hand, discloses, “registering management information” (abs. lines 9-12).

Both David and Takagi are of the same field of endeavor, they specifically teach program preparation and distribution system (David: [0039]; Takagi: abstract, lines 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Takagi into David of identifying, recording and reproducing information, that would have allowed users of David to have a useful method, to have a sequence of operations from acquisition, formulation until editing, transmission and archiving. (Takagi: [0004]).

***Prior art made of record***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burke (US 20040070594) teaches method and apparatus for programme generation and classification.

Ginter et al. (US 20030088784) teach systems and methods for secure transaction management and electronic rights protection.

***Response to Arguments***

19. Applicant's arguments filed 04/25/2008, with respect to claims 8-13 have been fully considered but they are not persuasive, for examiner's response see discussion below.

**Applicant's arguments:** This amendment responds to the Office Action dated January 25, 2008, in which the Examiner rejected claims 8-13 under 35 U.S.C. § 103. Claim 8 claims an information processing apparatus, claim 11 claims an information process method, claim 12 claims a program record medium on which a program is recorded and causes a computer to perform an information process, and claim 13 claims a program causing a computer to perform an information process. The apparatus, method, medium and program obtain reproduction information necessary to reproduce data when the data is recorded. The reproduction information is setup information about resolution of the data and encoding of the data. A first management file is generated describing (a) the reproduction information and (b) a unique identifier that composes a clip. A second information file is registered in which management information of clips recorded in the recording medium are totally managed. The second management file is composed of the reproduction information, the unique identifier and information representing the recorded position of the data that compose the clip. Reproduction data that compose all the clips are successively reproduced according to

the first or second management file. When a recording medium is loaded, the second management file is read from the recording medium and stored to a memory. When the clip is to be reproduced, the first management file is read from the recording medium and stored to the memory. By obtaining setup information about resolution and encoding of the data, by generating and registering first and second management files and by reading a second management file when a recording medium is loaded and reading a first management file when a clip is to be reproduced as claimed in claims 8 and 11-13, the claimed invention provides an apparatus, method, medium and program in which information necessary to reproduce data can be obtained quickly and without a time lag. The prior art does not show, teach or suggest the invention as claimed in claims 8 and 11-13. Claims 8-13 were rejected under 35 U.S.C. § 103 as being unpatentable over David, et al. (U.S. Publication No. 2002/0131764) in view of Takagi, et al (U. S. Publication No. 2003/0085997). David, et al appears to disclose recording audio and/or video information signals onto a recording medium [0003]. **Nothing in David, et al. shows, teaches or suggests obtaining setup information about resolution and encoding of the data as claimed in claims 8 and 11-13. Rather, David, et al. only discloses recording audio and/or video information signals onto a recording medium.** Also, David, et al. merely discloses arranging metadata objects into a plurality of categories and recording the metadata objects in accordance with the categories [0049 - 0050]. Thus, David, et al only discloses recording metadata objects into categories. **Nothing in David, et al. shows, teaches or suggests a first management file describing (a) setup information about resolution and encoding**

**and (b) a unique identifier as claimed in claims 8 and 11-13.** Rather, David, et al. only discloses recording metadata objects into categories. Furthermore, David, et al. merely discloses first identifiers which are not unique but needed to distinguish pieces of material on a medium and second identifiers which are unique identifiers [0011 - 0016]. **Nothing in David, et al. shows, teaches or suggests a second management file for totally managing clips recorded on a recording medium including (a) setup information about resolution and encoding of the data, (b) a unique identifier, and (c) an information that represents a recorded position of data as claimed in claims 8 and 11-13.** Rather, David, et al. merely discloses first and second identifiers. Finally, nothing in David, et al. shows, teaches or suggests when a record medium is loaded a second management file is read and when a clip is to be reproduced, a first management file is read as claimed in claims 8 and 11-13.

**Examiner's response:** David discloses in paragraph [0236], in operation one of the editing terminals 184 is arranged to access the metadata database 176 via the low band width communications channel 182' the editing terminal 184 is therefore provided with access to the metadata 210 describing the content of the audio/video material recorded onto the tape 216. **The metadata 210 may include such as the copyright owner "BSkyB", the resolution of the picture and the format in which the video material is encoded,** the name of the program, which is in this case "Grandstand", and information such as the date, time and audience. Metadata may further include a note of the content of the audio/video material.

**Applicant's arguments:** Takagi et al. appears to disclose metadata input at a planning processing and at a casting process is registered in a database managed in a concentrated fashion by an archival manager at the same time as a tag specifying the registered metadata is issued (Abstract). Thus, Takagi, et al. merely discloses registering metadata into a database. **Nothing in Takagi, et al. shows, teaches or suggests (a) a second management file which totally manages clips recorded on a record medium, (b) the second management file composed of (i) setup information about resolution and encoding of the data, (ii) a unique identifier and (iii) information that represents a recorded position, (c) reading a second management file when a record medium is loaded and reading a first management file when a clip is to be reproduced, (d) obtaining setup information about resolution and encoding of data and (e) a first management file describing (i) setup information and (ii) a unique identifier as claimed in claims 8 and 11-13.**

Rather, Takagi, et al. merely discloses registering metadata into a database.

**A combination of David, et al. and Takagi, et al. would merely suggest to store the metadata of David, et al. into the database of Takagi, et al. Thus, nothing in the combination of the references shows, teaches or suggests (a) obtaining setup information about resolution and encoding of data, (b) generating a first management file describing setup information and a unique identifier, (c) a second management file composed of the setup information, unique identifier and information about a recorded position, and (d) reading the second**

**management file when a record medium is loaded and reading a first**

**management file when a clip is to be reproduced as claimed in claims 8 and 11-**

**13.** Therefore, Applicants respectfully request the Examiner withdraws the objection to claims 8 and 11-13 under 35 U.S.C. § 103.

**Examiner's response:** As explained earlier in the office action, David discloses, information process apparatus that manages data recorded on a record medium (abstract), comprising: information obtainment means for obtaining reproduction information necessary to reproduce the data when the data are recorded, said reproduction information being setup information about resolution of the data and encoding of the data ([0003]; [0236]); generation means for generating a first management file with which data that compose each clip that is a predetermined structural unit of data are managed ([0049]-[0050]), the first management file describing (a) the reproduction information of data that compose the clip ([0091]; [0110]; [0115]) and (b) an identifier that uniquely identifies data that compose the clip ([0110]); registration means for registering management information of the clip composed of (a) the reproduction information of data that compose the clip ([0128]), (b) the unique identifier of data that compose the clip, and (c) information that represents the recorded position of data that compose the clip to a second management file with which clips recorded on the record medium are totally managed (abstract; [0011]-[0016]; [0056]; [[0303]]) and successive reproduction means for successively reproducing data that compose all the clips recorded on the record medium according to the first management

file or the second management file, wherein when the record medium is loaded, the second management file is read from the record medium and stored to a memory and when a clip to be reproduced is designated, the first management file is read from the record medium and stored to the memory ([0057]-[0058]). David, however, does not explicitly disclose, “registering management information”; Takagi, on the other hand, explicitly discloses, “registering management information” (abs. lines 9-12).

**Applicant's arguments:** Claims 9-10 depend from claim 8 and recite additional features. Applicants respectfully submit that claims 9-10 would not have been obvious within the meaning of 35 U.S.C. § 103 over David, et al. and Takagi, et al. at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 9-10 under 35 U.S.C. § 103. The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention. Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**Examiner's response:** The dependent claims are also being rejected for the same reasons as specified in the independent claims.

***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAZLUL QUADER  
Examiner  
Art Unit 2164

/FQ/  
July 30 2008

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164